

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK S., A MINOR, BY	:	CIVIL ACTION
AND THROUGH HIS PARENT AND	:	
NATURAL GUARDIAN, JAMES S. BOTH OF	:	
506 Waters Edge	:	
Newtown Square, Pennsylvania 19074	:	
	:	
and	:	
	:	
JAMES S.,	:	
IN HIS OWN CAPACITY	:	
	:	
vs.	:	
	:	
THE MARPLE-NEWTOWN SCHOOL DISTRICT :	:	
38 Media Line Road	:	
Newtown Square, Pennsylvania, PA 19008	:	No.

COMPLAINT

1. Plaintiff, Patrick S. is a student with disabilities as defined by the Individuals with Disabilities Education Act. 20 U.S.C. §1401 et. seq.
2. Plaintiff, James S. is the parent and natural guardian of said minor. Plaintiffs both reside at the address set forth above.
3. Said minor is a student of the Defendant school district and has been a student entitled to the protections of IDEA at all relevant times.
4. Plaintiffs objected to Defendant concerning the failure of the Defendant to offer a free appropriate public education to said minor student, and Plaintiffs requested an administrative Due Process Hearing to resolve this dispute.

5. The dispute between the Plaintiffs and Defendant has been resolved by means of the attached decisions of a state administrative hearing officer and a state special education appeals panel through which the Defendant was ordered to provide tuition reimbursement to said minor child's parent, and further to provide compensatory education.

6. These decisions which were favorable to Plaintiffs renders the Plaintiffs as the "prevailing party" in the administrative process under IDEA.

7. Pursuant to 20 U.S.C. §1415 of IDEA, Plaintiffs are entitled to recoupment of their attorneys fees and costs as prevailing parties in the administrative process, and are further entitled to counsel fees in pursuing the claim for fees.

8. Defendant school district has refused to pay the reasonable fees of the Plaintiffs and their counsel in this matter.

9. The fees to which Plaintiffs were entitled through the administrative process was the amount of \$19,558.53, and additional fees will be due and owing for preparation of this Complaint and pursuing this matter before the Court.

10. The failure of defendants to provide a free appropriate public education to plaintiff Patrick S. has caused said plaintiff to suffer a loss of educational opportunity and resultant pain, suffering, inconvenience, embarrassment and future wage losses, and has caused plaintiff James S. to suffer a loss of the comfort and society of his minor child, all of which are compensable under IDEA and Section 1983 of the Civil Rights Act. 42 U.S.C. Section 1983. W.B. v. Matula, 67 F.3d 484 (3d Cir. 1995); Agresta v. Sambor, 687 F.Supp. 162 (E.D.Pa. 1988), aff'd 993 F.2d 223 (3d Cir. 1993).

WHEREFORE, it is respectfully requested that this Court accept jurisdiction of this matter, enter an award of appropriate counsel fees and costs to Plaintiffs, and enter a further

award as required by the interests of justice.

Respectfully submitted,

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